

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
ROANOKE DIVISION**

MATTHEW J. BYERLY

Plaintiff,

v.

VIRGINIA POLYTECHNIC

INSTITUTE AND STATE

UNIVERSITY, ET. AL.,

Defendants.

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Civil Action No. 7:18-cv-16

ORDER¹

For the reasons set forth in the accompanying memorandum opinion, it is hereby

ORDERED that:

(1) Defendant Virginia Polytechnic Institute and State University's Motion to Dismiss

(Dkt. No. 38) is **GRANTED**;

(2) Defendants Timothy Sands and James Orr, Jr.'s Motion to Dismiss (Dkt. No. 42) is

GRANTED;

(3) The Second Amended Complaint is **DISMISSED WITH PREJUDICE** and this

action is **STRICKEN** from the active docket of this court.

It is so **ORDERED**.

Entered: December 5, 2019

Robert S. Ballou

Robert S. Ballou

United States Magistrate Judge

¹ This case is before me by consent of the parties pursuant to 28 U.S.C. § 636(c)(1).